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DEC 22 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

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December 22, 1993

DOCKET FILE COPY ORIGINAL

VIA HAND DELIVERY

Mr. Peyton L. Wynns
Chief, Industry Analysis Division
Common Carrier Bureau
Federal Communications Commission
1250 23rd Street, N.W., Room 100
Washington, D.C. 20037

Re: The Use of N11 Codes and Other Abbreviated Dialing
Arrangements
CC Docket No. 92-105
Written Ex Parte Presentation

Dear Mr. Wynns:

I have enclosed a copy of the Alabama Public Service Commission's recent order approving a two-year trial of N11 service in Birmingham, Huntsville and Mobile, Alabama. The order also makes provision for hearings on any further requests for allocation the Alabama Commission may receive. I am providing this order to you because I believe it will be of interest in connection with CC Docket 92-105.

In accordance with the requirements of Section 1.1206(a)(1) of the Commission's Rules, two copies of this letter and its enclosure are being submitted to the Secretary's office on this date.

Please call me if any questions should arise in connection with these materials.

Respectfully submitted,


J.G. Harrington

JGH/taf
Enclosure

cc (w/encl.): Mr. William F. Caton, Acting Secretary (2 copies)

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FEDERAL COMMUNICATIONS COMMISSION
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SOUTH CENTRAL BELL
TELEPHONE COMPANY

Petitioner

PETITION: For approval of
tariff revisions to introduce
N11 Service

DOCKET 22903

ORDER

BY THE COMMISSION:

By filing received March 4, 1993, with a requested effective date of April 5, 1993, which was revised April 12, 1993, Petitioner South Central Bell petitioned this Commission for approval of revisions to its existing tariff as set out herein:

General Subscriber Services Tariff
Table of Contents, First Revised Page 1.1
Subject Index, Fifth Revised Page 1
Subject Index, Second Revised Page 16
A6., Second Revised Contents Page 2
A6., Second Revised Page 10
A13., Third Revised Page 16
A13., Third Revised Page 18.1
A39., Original Page 1
A39., First Revised Page 1
A38., Original Pages 2-9

The proposed tariff revisions introduce N11 service, a three digit local dialing arrangement which enables a subscriber to deliver information over voice grade facilities to end users. This may be utilized in a pay-per-call environment.

By notice dated May 28, 1993, this matter was set for hearing on July 1, 1993. By subsequent notice, the matter was rescheduled for hearing on Monday, July 26, 1993. Participating in the hearing were South Central Bell Telephone Company; The Birmingham News Company; The Huntsville Times Company; The Mobile Press-Register, Inc.; the Attorney General's Office; Infocial, a division of Market Link, Inc.; and AT&T Communications of the South Central States. In addition, the Commission received a petition for leave to intervene on behalf of Sprint Communications Company, LP ("Sprint"). The Commission also

received a petition from MCI Telecommunications Corporation ("MCI") to intervene in a separate proceeding, Docket 22906, along with a motion to consolidate such docket with this proceeding. Sprint and MCI did not appear at the hearing.

Martha Johnson testified on behalf of South Central Bell ("SCB"). Under SCB's proposed tariff, N11 service would be limited to six dialing arrangements in SCB local calling areas in Alabama, including 211, 311, 511, 611, 711 and 811. SCB believes that the availability of abbreviated dialing arrangements will facilitate the introduction and availability of local information services and will provide a contribution to the regulated rate base of the company, further reducing pressure on local rates.

Victor H. Hanson, III, General Manager of The Birmingham News, testified on behalf of The Birmingham News Company; The Huntsville Times Company; and The Mobile Press-Register, Inc. The newspapers represented by Mr. Hanson employ over 1,544 full and part-time employees and support approximately 15,600 other workers in their respective circulation areas in Alabama. He initially contacted South Central Bell regarding the availability of a N11 code in August of 1992. Mr. Hanson testified that the newspapers would like to utilize N11 service to provide a wide array of financial, advertising and other information services. Among the N11 services being considered is a feature that would allow consumers to obtain additional information regarding stories published in the newspapers, such as the full text of a court order or speech. Consumers could obtain copies of these documents by facsimile if they called the N11 number. Another possible service would allow callers seeking to purchase consumer items to provide information concerning the item being sought and to be referred to an item for sale under the classified section of the newspaper.

Mr. Hanson testified that the N11 codes should be allocated and used in a fashion that promotes responsible use of the

numbers and accountability to state authorities. He stated that each of the newspapers have a substantial local presence in their primary subscription areas, and are thus readily available to respond to complaints or inquiries from the Commission or the Attorney General's Office concerning problems with the use of N11 codes. He stated his willingness to provide verifiable information to the Commission concerning the use of N11 numbers during any trial period adopted by the Commission. Finally, he supported the concept that the restrictions adopted by this Commission in Docket U-3113 in regard to 900/976 Services should be applicable to N11 service.

Mr. Richard Bell testified on behalf of Infodial, which is a division of Market Link. Market Link's headquarters are in Bloomington, Minnesota. He testified that Infodial currently has arrangements with local newspapers in Houston, Texas, and Knoxville, Tennessee, to assist in the provision of information services in those markets through a seven digit dialing arrangement. He would like to expand his company's services to Alabama, by utilizing N11 numbers in conjunction with other information providers.

In addition to the testimony at the hearing, position statements were later filed by AT&T Communications of the South Central States and The Advertiser Company.

Following the hearing, the Commission received letters from the Alabama Chapter of the National Emergency Number Association ("Association") and E-911 provider organizations in Elmore County and Baldwin County expressing concerns over the impact of the assignment of N11 codes on existing E-911 systems. On September 8, 1993, the Commission issued an Order calling for further hearings in this cause to consider the concerns raised by the E-911 providers. The Commission subsequently received a proposed settlement from the Association, in lieu of further hearings, which would provide for an initial trial of N11

service, subject to various advertising and reporting requirements. The E-911 providers informed the Commission that they had reached agreement with the three companies represented by Mr. Hanson regarding various safeguards, and on cooperative efforts to further inform the public concerning the appropriate means of accessing emergency services. The E-911 providers propose that 511 be the number initially assigned in each of the local calling areas. Additional allocations of N11 codes would occur only after notice to the E-911 providers. This proposal is consistent with the approach taken by state regulatory bodies in Georgia and Florida.

The Commission agrees with the E-911 providers that it is appropriate to approve the provision of N11 service by SCB on a two (2) year trial basis, with the number 511 being initially allocated to The Birmingham News Company, The Huntsville Times Company Inc., and The Mobile Press Register, Inc. in the local calling areas of Birmingham, Huntsville and Mobile, respectively. The Commission finds that the three companies are appropriate, initial candidates for a trial due to the fact that they presented extensive testimony regarding the nature of their proposed service and have demonstrated a willingness, both at the hearing and in subsequent negotiations with the E-911 providers to implement safeguards designed to avoid customer confusion and to help insure that N11 service is utilized in an appropriate manner. They also have considerable experience in providing the type of information to be conveyed through N11 service. Finally, their substantial local presence will insure that they will be readily available to assist the Commission and E-911 providers in monitoring the impact of the service during the trial period.

During the trial period, the Commission will work with the E-911 providers to monitor the impact, if any, of N11 service on existing E-911 systems. Should the E-911 providers object to the continued provision of the N11 service, hearings will be held to

consider any evidence accumulated during the determine if N11 service is resulting in substantial with the E-911 systems. In the absence of such interference providers will continue to utilize the codes in accordance the provisions of South Central Bell's tariff. Additional codes will not be awarded without further hearings or a formal comment period in which the E-911 providers are allowed to participate. Information service providers are encouraged to work with E-911 providers regarding any further code allocations or the introduction of new services.

Finally, the Commission endorses the agreement reached between the E-911 providers and the aforementioned companies providing for certain additional safeguards and public education concerning access to emergency service.

IT IS, THEREFORE, ORDERED BY THE COMMISSION, That SCB's proposed tariff introducing N11 service be denied, as filed.

IT IS FURTHER ORDERED BY THE COMMISSION, That SCB be required to file a tariff reflecting the introduction of N11 service, on a two year trial basis, subject to the provisions contained herein.

IT IS FURTHER ORDERED BY THE COMMISSION, That during the duration of the trial period, The Birmingham News Company, The Huntsville Times Company and The Mobile Press-Register, Inc. shall provide the effected E-911 providers or the Alabama Chapter of the National Emergency Number Association with summaries of the aggregate number of calls made from each local calling area and, if possible, each exchange, to allow such E-911 providers to analyze the impact, if any, of the allocation of such numbers on their emergency response systems.

IT IS FURTHER ORDERED BY THE COMMISSION, That should effected E-911 providers object to the continuation of N11 service beyond the two year trial period, that the Commission will hold further proceedings to determine whether such service

has resulted in substantial interference with E-911 systems and should be discontinued or modified. In the absence of such determination, such companies will be allowed to continue to utilize their assigned N11 codes subject to the provisions of South Central Bell's tariff.

IT IS FURTHER ORDERED BY THE COMMISSION, That no additional N11 numbers will be allocated without prior notice being given E-911 providers in the State of Alabama, and after such providers are given an opportunity to participate in further proceedings considering such allocations.

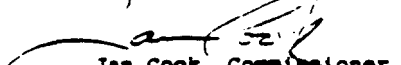
IT IS FURTHER ORDERED BY THE COMMISSION, That providers of N11 services shall be subject to applicable provisions of the Commission's Order in Docket U-3113 concerning pay-per-call services.

IT IS FURTHER ORDERED BY THE COMMISSION, That this Order shall be effective as of the date hereof.

DONE at Montgomery, Alabama, this 6th day of December, 1993.


ALABAMA PUBLIC SERVICE COMMISSION


Jim Sullivan, President



Jan Cook, Commissioner


Charles B. Martin, Commissioner

ATTEST: A True Copy


Wallace Tidmore, Secretary

CERTIFIED A TRUE COPY


WALLACE TIDMORE, Secretary

Alabama Public Service Commission

Date

12-13-93